

IN RE: PETITION FOR ZONING VARIANCE
SW/S Brenbrook Drive, 390' NW
of the c/l of Springdell Avenue
(Lot 1, Block B of Pam's Village)
2nd Election District
2nd Councilmanic District
James L. McNaney
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 89-321-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner here requests a variance to permit a window to tract boundary setback of 8 feet in lieu of the required 35 feet in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. Also appearing on behalf of the Petition was Robert Spellman with Spellman, Larson & Associates. There were no Protestants.

Testimony indicated that the subject property, known as Lot 1, Block B of Pam's Village, consists of .45 acres zoned D.R. 5.5 and is currently unimproved. Petitioner testified he has owned the subject property, which is part of a 16-lot subdivision totalling 3.73 acres more or less, for the past 18 years. Testimony indicated that for approximately the last three years, Petitioner has been working with his Engineer and County agencies to develop the property in a manner in keeping with the spirit and intent of development regulations as well as the character of the surrounding development. Petitioner testified that to require strict compliance with the zoning regulations would create undue hardship in rendering Lot 1 undevelopable. Testimony indicated that the granting of the requested variance will not create any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of February, 1989 that the Petition for Zoning Variance to permit a window to tract boundary setback of 8 feet in lieu of the required 35 feet in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall not request any further variance for Lots 1 through 16 of Pam's Village.

AMN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Town, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

February 27, 1989

Mr. James L. McNaney
9808 Church Lane
Randallstown, Maryland 21133

RE: PETITION FOR ZONING VARIANCE
SW/S Brenbrook Drive, 390' NW of the c/l of Springdell Avenue
(Lot 1, Block B, Pam's Village)
2nd Election District - 2nd Councilmanic District
James L. McNaney - Petitioner
Case No. 89-321-A

Dear Mr. McNaney:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

Mr. Robert Spellman
Spellman, Larson & Associates
105 W. Chesapeake Avenue, Suite 107, Towson, Md. 21204

CERTIFICATE OF PUBLICATION

Pikesville, Md., Jan 25 19 89
THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 26th day of Jan. 19 89
the first publication appearing on the 25th day of Jan. 19 89
the second publication appearing on the day of Jan. 19 89
the third publication appearing on the day of Jan. 19 89

THE NORTHWEST STAR

Manager

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 27, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on January 26, 1989.

THE JEFFERSONIAN,

Publisher

PO 09029

reg M 25198

case 89-321-A

price \$37.43

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-321-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.B. (V.B.5.a., C.N.D.P.) to permit a window to tract boundary setback of 8' in lieu of the minimum 35'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Lot #1 Block B of Pam's Village subdivision is the subject of this variance request which is a lot in the proposed subdivision that is being developed in a manner consistent with the existing neighborhood. To conform to the required tract boundary setback would cause the lot in question to be out of character with the remaining lots in the subdivision and the general neighborhood.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I We do solemnly declare and affirm, under the penalties of perjury, that I we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:
Legal Owner(s):
James L. McNaney
(Type or Print Name)
Signature
(Type or Print Name)
8808 Church Lane 922-4265
Address
Randallstown, MD 21133
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Joseph L. Larson
Name 105 W. Chesapeake Avenue Suite 107
Towson, MD 21204 823-3535
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of December, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 104 County Office Building, Towson, Baltimore County, on the 10th day of Jan. 1989, at 3 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

DESCRIPTION FOR A VARIANCE TO ZONING, BRENBROOK DRIVE, 2ND DISTRICT, BALTIMORE COUNTY, MARYLAND

Page 1

Beginning for the same at the corner formed by the intersection of the southwest side of Brenbrook Drive, 50 feet wide, and the northwest side of Springdell Avenue, 50 feet wide, and running thence and binding on the northwest side of Springdell Avenue South 18 Degrees 30 Minutes 20 Seconds West 84.35 feet and South 18 Degrees 23 Minutes 22 Seconds West 65.00 feet running thence South 71 Degrees 36 Minutes 38 Seconds East 15.00 feet to the northwest side of Springdell Avenue, 35 feet wide, and running thence and binding on the northwest side of Springdell Avenue, 35 feet wide, South 18 Degrees 23 Minutes 22 Seconds West 261.84 feet to a point in Church Lane and running thence in a bed of Church Lane North 67 Degrees 58 Minutes 57 Seconds West 108.00 feet North 67 Degrees 47 Minutes 21 Seconds West 127.79 feet and North 68 Degrees 30 Minutes 21 Seconds West 156.43 feet thence leaving the bed of Church Lane and running North 26 Degrees 32 Minutes 31 Seconds East 539.29 feet to the southwest side of Brenbrook Drive herein referred to and running thence and binding on the southwest side of Brenbrook Drive southeasterly by a curve to the left with a radius of

DESCRIPTION FOR A VARIANCE TO ZONING, BRENBROOK DRIVE, 2ND DISTRICT, BALTIMORE COUNTY, MARYLAND

Page 2

906.47 feet to the distance of 168.96 feet southeasterly by a curve to the left with a radius of 906.47 feet the distance of 94.56 feet South 52 Degrees 13 Minutes 23 Seconds East 40.28 feet and southeasterly by a curve to the left with a radius of 1050.00 feet the distance of 31.69 feet to the place of beginning.

Containing 3.06 acres of land, more or less.

11/29/88



RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

89-321-A
Date of Posting: 1-21-89
District: Variance
Posted for: James L. McNaney
Petitioner: James L. McNaney
Location of property: SW 1/4 of Br. Brook Dr. 350' NW c/l of Springell Ave. 1st Block B
Location of Sign: SW 1/4 of Br. Brook Dr. 350' NW c/l of Springell Ave. 1st Block B
Remarks: See Petition
Posted by: J. Robert Haines
Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

January 12, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-321-A
350' NW c/l Springell Avenue
Lot 1, Block B
2nd Election District - 2nd Councilmanic
Petitioner(s): James L. McNaney
HEARING SCHEDULED: FRIDAY, FEBRUARY 10, 1989 at 2:00 p.m.

Variance to permit a window to tract boundary setback of 8 ft. in lieu of the minimum 35 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: James L. McNaney
Joseph L. Larson
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: 1/30/89

Mr. James L. McNaney
8808 Church Lane
Randallstown, Maryland 21133

Re: Petition for Zoning Variance
CASE NUMBER: 89-321-A
350' NW c/l Springell Avenue
Lot 1, Block B
2nd Election District - 2nd Councilmanic
Petitioner(s): James L. McNaney
HEARING SCHEDULED: FRIDAY, FEBRUARY 10, 1989 at 2:00 p.m.

Dear Mr. McNaney:

Please be advised that \$68.43 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 106, on the day of the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 005812
DATE: 2/10/89 ACCOUNT: R-01-615-000
AMOUNT: \$ 68.43
RECEIVED FROM: James L. McNaney
FOR: P. A. 2/10/89
8 807-0000-000000 89-321-A
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

12/29/88
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 235, Zoning Advisory Committee Meeting of December 13, 1988
Property Owner: James L. McNaney
Location: SW 1/4 of Br. Brook Dr. District 2
Water Supply: Metro Sewage Disposal

- COMMENTS ARE AS FOLLOWS:
- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
 - () Prior to new installation of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation before work begins.
 - () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tanks (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
 - () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
 - () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
 - () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, sauna, whirlpool, hot tub, water and sewerage facilities or other amusements pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
 - () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County Regulations. For more complete information, contact the Division of Maternal and Child Health.
 - () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
 - () Prior to raising of existing structures, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
 - () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
 - () Soil percolation tests, have been conducted.
 - () The results are valid until _____.
 - () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
 - () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
 - () In accordance with Section 12-117 of the Baltimore County Code, the water well yield test () shall be valid until _____.
 - () If not acceptable and must be repeated. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
 - () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
 - () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
 - () Others _____

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4300

Paul H. Reincke
Chief

December 29, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: James L. McNaney

Location: SW 1/4 of Br. Brook Dr., 390' NW c/l of Springell Avenue
Item No.: 235 Zoning Agenda: Meeting of 12/13/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "A" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Pat Keller, Deputy Director
Special Inspection Division
NOTED & APPROVED: Dennis F. Rasmussen
Fire Prevention Bureau

/s/

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 31, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

Mr. James L. McNaney
8808 Church Lane
Randallstown, MD 21133

RE: Item No. 235, Case No. 89-321-A
Petitioner: James L. McNaney
Petition for Zoning Variance

Dear Mr. McNaney:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Joseph L. Larson
105 W. Chesapeake Avenue
Towson, MD 21204

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 406
Towson, Maryland 21204
(301) 887-3354

January 17, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 35, 200, 215, 232, 233, 234, and 235.

Michael S. Flanagan
Traffic Engineer Associate II

MSF/lw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
Zoning Commissioner
TO: _____ Date: January 31, 1989
Pat Keller, Deputy Director
FROM: _____ Office of Planning and Zoning

SUBJECT: Zoning Petition Nos. 89-316-A (Teitelbaum); 89-320-A (McNaney);
89-321-A (McNaney); 89-310-A (Grier); 89-313-A (Ellwood);
89-315-A (DiPeppe)

The Office of Planning and Zoning has no comment on the above listed projects.

PK/ph

RECEIVED
JAN 31 1989
ZONING OFFICE

CPS-008

ZONING SCHEDULE				
ZONED	NET	GROSS	X	PERMITTED
DR 35	1.01 AC ±	1.15 AC ±	25	403
DR 55	2.05 AC ±	2.58 AC ±	55	1413
			TOTAL	118.22

NOTE:
THIS ZONING PETITION
APPLIES ONLY TO LOTS
1 BLOCK B.

NOTE: THE AVERAGE SETBACK
OF BLDGS WITHIN 500' OF FRONT
LINE AVE. SHALL BE OF
BREXBRUCK DRIVE IS 19.8'

BREXBRUCK RD. PROP. CLAB &
GUTTER WILL EXTEND TO CONNECT
TO EXIST. CURB & GUTTER NORTH
OF THE PROPERTY.

PROPOSED B
SETBACK

JOHN E. MANN SHANNON
L. M. M. 555/50
(VACANT)

N 25800

W 48300

PINEWOOD INC.
EKK JR 5522 54
(VACANT)

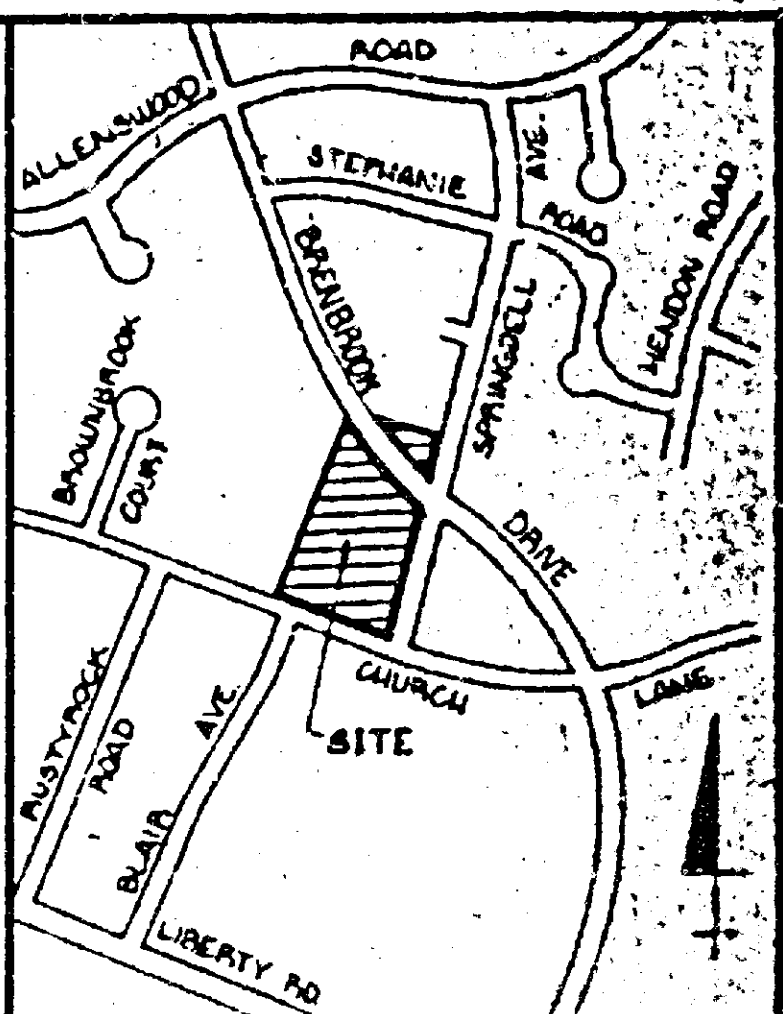
N 25600

W 47750

PINEWOOD INC.
EKK JR 6462 54
(VACANT)

N 25500

W 47750



VICINITY MAP
SCALE: 1"=500'

OWNER: SUBJECT PROPERTY
JAMES L. McHANEY ET UX
DEED REFERENCES: 6367/175 4867/254
PROPERTY # 021542521 021542522

SITE DATA

SITE ACREAGE: (GROSS) = 3.73 AC ± LET = 3.06 AC ±
EXISTING ZONING: DR 35 = 1.15 AC ±
DR 55 = 2.58 AC ±
DENSITY CALCULATIONS: SEE ZONING SCHEDULE
NUMBER OF LOTS PROPOSED: 16
ESTIMATED AVERAGE DAILY TRIPS (ADT'S):
16 UNITS x 24 ADT/UNIT = 223.2 ADT

GENERAL NOTES

- EXISTING USE: RESIDENTIAL, DAY CARE CENTER
PROPOSED USE: RESIDENTIAL
- ALL EXISTING STRUCTURES ARE TO BE RAISED
WITH THE EXCEPTION OF THE DWELLING LOCATED
ON LOT #16 WHICH WILL REMAIN
- EXISTING UTILITIES IN EXISTING
ROADS
- LOT #1 = ZONING DR 55
= 1.45 AC ±
- LOT ONE HAS NOT BEEN SOLD TO A
PRIVATE OWNER AS OF YET, IT IS
STILL OWNED BY THE DEVELOPER

ZONING NOTE:

VAR. FOR AN 8' SIDEYARD SETBACK IN
LIEU OF THE REQUIRED 25' SETBACK FOR
LOT 1, BLOCK B.

REVISIONS		
NO.	DATE	DESCRIPTION

**SPELLMAN, LARSON
&
ASSOCIATES, INC.**
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE: 823-3533

OWNER/DEVELOPER
JAMES L. McHANEY #235
5500 CHURCH LANE
RANDALLSTOWN, MARYLAND 21133
922-4265

PLAT TO ACCOMPANY ZONING VARIANCE
PAM'S VILLAGE

2nd Election District Baltimore Co., MD.
SCALE: 1"=33' DES BY: JLL
DATE: DRN BY: NGG SHEET 1 OF 2

DRAWING REFERENCES

BREXBRUCK DRIVE	WATER	80-0449
	SEWER	80-0450
	DRAIN	77-0002
SPRINGDELL AVENUE	WATER	80-0449
	SEWER	80-0450
CHURCH LANE	WATER	84-1024
	SEWER	84-1021
BLAIR AVENUE	WATER	86-0690
	SEWER	86-0693

SOIL LIMITATIONS

SYM	SERIES	W/ BASEMENT	W/O BASEMENT	STREET PARKING	TYPE
GcB2	CLENELG	SLIGHT	SLIGHT	MODERATE SLOPE	B

PUBLIC SERVICES CPG # 87204
PLANNING #

